

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNITED STATES, *et al.*,

Defendants.

Civil Action No. 1:25-cv-39 (JJM)

DEFENDANTS' NOTICE OF COMPLIANCE AND MOTION TO SEAL

As discussed in Defendants' emergency motion for reconsideration, or in the alternative for a stay pending appeal, filed yesterday, *see* ECF No. 176, Defendants disagree with this Court's Order enforcing the preliminary injunction with respect to funding administered by the Federal Emergency Management Agency (FEMA), *see* ECF No. 175, and believe immediate relief from that Order is warranted. Nonetheless, because this Court has not yet acted on that emergency motion, and because the Court's Order requires Defendants to submit a compliance filing within 48 hours of entry of the Order—*i.e.*, by approximately noon on Sunday, April 6, 2025—Defendants respectfully submit this Notice of Compliance as required by the Court's Order.

Specifically, the Court's Order directed (among other things):

FEMA must direct notice of this Order and notice of the Court's preliminary injunction order to FEMA's leadership and all FEMA staff who administer these FEMA grants and other federal financial assistance. FEMA shall provide confirmation of these notices, including

the names of recipients of the notice, no later than 48 hours after this Order.

ECF No. 175 at 15, ¶ 3.

Consistent with that directive, attached hereto as Exhibit A is the notice document that FEMA represents has been distributed to “FEMA’s leadership and all FEMA staff who administer these FEMA grants and other federal financial assistance.” *Id.* Additionally, attached hereto as Exhibit B is a list of individuals that FEMA represents are “the names of recipients of the notice” who are “FEMA’s leadership” or “FEMA staff who administer these FEMA grants and other federal financial assistance.” *Id.*

Defendants respectfully move to seal the list of individuals filed as Exhibit B. In support of this request, the government states that publicly listing the identities of every FEMA employee who qualifies as either “FEMA’s leadership” or “FEMA staff who administer these FEMA grants and other federal financial assistance” would constitute an unnecessary and unwarranted intrusion on those individuals’ personal privacy, and therefore this list of employee names should be protected from the public domain. Plaintiffs have previously suggested that filing this list of employee names under seal is appropriate. *See* ECF No. 174 at 10 (“Defendants’ privacy concerns can be fully addressed by filing the list of individuals under seal, to which Plaintiff States would not object.” (citation omitted)).

Accordingly, Defendants respectfully request that this Court seal Exhibit B, which is not necessary for public understanding of this case, given that this Notice and Exhibit A will be available publicly. Defendants will provide Plaintiffs’ counsel

with access to and/or a copy of Exhibit B.

Defendants further submit that the attached Exhibits A and B reflect compliance with the Court's Order enforcing the preliminary injunction, ECF No. 175, though Defendants continue to believe that such Order should be immediately withdrawn as discussed in their emergency motion for reconsideration filed yesterday.

Dated: April 6, 2025

Respectfully Submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director

DANIEL SCHWEI
Special Counsel

/s/ Andrew F. Freidah
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Counsel for Defendants

CERTIFICATION OF SERVICE

I hereby certify that on April 6, 2025, I electronically filed the within Certification with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System, thereby serving it on all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 305. Exhibit B has been filed under seal but Plaintiffs' counsel will be provided with access to and/or a copy of Exhibit B.

/s/ Andrew F. Freidah
Andrew F. Freidah